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October 9, 2024

**VIA ECF**

Honorable Katherine Polk Failla, U.S.D.J.  
 United States District Court, Southern District of New York  
 Thurgood Marshall, United States Courthouse  
 40 Foley Square  
 New York, New York 10007

**MEMO ENDORSED**

**Re: Phillip Maughn v. MLJ Painting Corp.**  
**Case No.: 1:24-cv-03222-KPF**

Dear Judge Failla:

This firm represents Defendant, MLJ Painting, Inc. ("Defendant"), in connection with the above referenced matter, which includes claims under the Fair Labor Standards Act 29 U.S.C. § 201 et seq. ("FLSA"). Pursuant to Your Honor's September 10, 2024 Text Order, counsel was required to prepare and submit to the Court by October 10, 2024, the settlement agreement and all accompanying filings in accordance with Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) (ECF 16).

A settlement agreement has been fully negotiated and approved by the parties. However, additional time is needed to execute the settlement agreement and prepare and file all accompanying settlement documents. Counsel is therefore jointly and respectfully requesting an extension of the October 10, 2024 deadline for filing all settlement documents in this matter.

This is the first request for an adjournment of the deadline for filing the settlement documents. There are currently no scheduled appearances before the Court, nor are there any other existing deadlines. As such, an extension of time will not affect any other scheduled dates.

We thank the Court for its time and attention to this matter.

Respectfully,

**WEINSTEIN + KLEIN P.C.**

A handwritten signature in black ink, appearing to read 'K. Rutkowski'.

Kelley M. Rutkowski

Cc: All counsel of record via ECF  
[Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)

Application GRANTED.

The parties are instructed to file their completed settlement agreement along with a joint letter regarding the fairness of the settlement agreement on or before **October 30, 2024**, for this Court's review in accordance with the FLSA and Second Circuit law. *See, e.g., Cheeks v. Freeport Pancake House*, 796 F. 3d 199 (2d Cir. 2015).

The Clerk of Court is directed to terminate the pending motion at docket entry 17.

Dated: October 10, 2024 SO ORDERED.  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE